all, the judges dealing with the case would snow sufficient restraint in writing out the judgments so that there would be no necessity to prohibit publication of judgments. Therefore, I submit that this Bill may be accepted.

MR. CHAIRMAN: The question is—

'That the Madras Judicial Proceedings (Regulation of Reports) Bill, 1960 (L.A. Bill No. 12 of 1960), as passed by the Legislative Assembly, be taken into consideration.'

The motion was put and carried and the Bill was taken intc consideration.

Clauses 2 to 8 were put and carried.

The schedule was put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI C. SUBRAMANIAM: Sir, I move—

'That the Madras Judicial Proceedings (Regulation of Reports) Bill, 1960 (L.A. Bill No. 12 of 1960), as passed by the Legislative Assembly, be passed.'

MR. CHAIRMAN: The question is—

'That the Madras Judicial Proceedings (Regulation of Reports) Bill, 1960 (L.A. Bill No. 12 of 1960), as passed by the Legislative Assembly, be passed.'

The motion was put and carried and the Bill was passed.

(2) THE INDIAN PENAL CODE AND THE CODE OF CRIMINAL PROCEDURE (MADRAS AMENDMENT) BILL, 1960 (L.A. BILL NO. 7 OF 1960).

THE HON. SRI C. SUBRAMANIAM: Mr. Chairman, Sir, I beg to move: 3–30 p.m.

'That the Indian Penal Code and the Code of Criminal Procedure (Madras Amendment) Bill, [a] 1960 (L.A. Bill No. 7 of 1960), as passed by the Legislative Assembly, be taken into consideration.'

Sir, the Bill which we just now passed and this Bill are complementary to each other. This Bill seeks to amend the Indian Penal Code to provide for the prevention of publication of obscene and scurrilous matter in the various papers and the magazines. It is no doubt true that in all these matters it is public opinion that should be the ultimate restraint. But unfortunately sometimes public opinion does no exert itself properly. Therefore, it has become necessary to have laws to prohibit these things. Therefore it is that we thought it necessary to have a legislation of this sort. As I have already indicated, at the time when this Bill was considered at the initial stages, there was the Press Objectionable Matter Bill. But unfortunately it is not in force now. Therefore we could not deal with the offenders in an effective manner. That is why this Bill was brought. The Joint Select Committee which considered this Bill recommended that the second offender should be dealt with in a more severe manner. Therefore they have provided a minimum punishment of imprisonment for a period of six months. I therefore request that this Bill may also be accepted by the Council.

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[a] Printed as Appendix III on pages 66–69 infra.

MR. CHAIRMAN: Motion moved—

'That the Indian Penal Code and the Code of Criminal Procedure (Madras Amendment) Bill, 1960 (L.A. Bill No. 7 of 1960), as passed by the Legislative Assembly, be taken into consideration.'

SRI MOHAMED RAZA KHAN: Sir, again the Hon. the Finance Minister will say—that is my disability as I am not well conversant with Tamil—that I do not know what is written. I am in entire agreement with the Government that there must be some check and restraint on such publications. But my difficulty is this. I would like to know whether the action proposed would be taken against the publisher or even the sellers, the ordinary book-stall man, who may not know whether the particular publication is offensive or not.

THE HON. SRI C. SUBRAMANIAM: Why should he be a bookseller then ?

SRI MOHAMED RAZA KHAN: I am slightly surprised at the question of the Hon. Minister. The book-seller, an ordinary man, may not be well conversant with the English language or Urdu, or Malayalam or Telugu. In this City different publications are sold. He might receive a parcel of books and he might pass them on for sale. It will be difficult for the book-seller to go through all the publications he receives and scrutinize whether the writings in the magazines or papers would come within the purview of the law or not. I do not also know whether the law would be applicable to publications within our State or whether it would be applicable to publications outside the State. At the time the Bill was first introduced, I drew the attention of the Hon. the Finance Minister to this. So far as English papers are concerned, as a rule they try to keep themselves within limits. But even some of them published in other States, weeklies especially—I do not want to mention names of those weeklies here—publish photos which I myself feel are repulsive things to see. What is the procedure to be adopted in dealing with those weeklies? Will action be taken against them also? I would submit that this Government have no power to take any action against papers published outside this State. Therefore simply because a man here, acting as agent, sells those publications in this State, would he be hauled up as having committed an offence under this law ?

Sir, the original Bill wanted to prevent publication of speeches also. There is already a law in regard to that and the affected party could seek redress by going to the court. I think during the course of the discussion in the Joint Select Committee, my hon. Friend Dr. Chidambaranathan took objection to the inclusion of speeches under the provisions of this Bill, when there was already a law by which the aggrieved party could seek redress in a court of law, and it was unanimously decided that the particular sub-clause could be omitted. Therefore there has been some improvement, thanks to my hon. Friend who took up the matter in the Joint Select Committee.

I can understand the Government taking action against offenders. But sometimes it so happens that people, who do a thing without any knowledge of the Act, are also hauled up. I do not know in what manner the Act will work in respect of the cases pointed out by me.

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THE HON. SRI C. SUBRAMANIAM: Sir, I thought I would be saved the trouble of answering the points made by the hon. Member Sri Raza Khan if only the hon. the Deputy Leader of the Opposition had spoken to-day as to what happened in the Joint Select Committee and what points of view he put forward there very effectively. In regard to doubts raised by the hon. Member about publications outside this State, certainly if they are published outside this State we cannot take any action against them and punish them. If they are published outside the State and stop there, we are not concerned with them. But if they enter this State and there is exhibition, circulation and sale of those journals or books, certainly the law will then catch hold of them. If the publication is within this State, then even though there may be no circulation of such publications, the very act of printing will be construed as an offence under this law. Therefore we will have to look into the cause of action and see whether it has arisen within the State and then take action. Otherwise, no action could possibly be taken.

Then, Sir, the hon. Member was pleading for the so-called innocent —not innocent but ignorant parties. Suppose a man sells poison thinking it is food without taking sufficient care to find out whether it is poison or food; certainly he will be held responsible. This is something worse. The poison kills any one person who takes it. But here whoever reads such matter is poisoned. And any number of persons read these posters and magazines. The minds of all these persons are poisoned. Therefore it is necessary that, in the interest of the health of the community, these publications should be prevented. The hon. Member, I am sure, is aware of all these things, of the purpose with which these publications are made. They are mainly for the purpose of blackmailing. They publish some interesting news about some parties and say that much more will follow. They expect the parties to approach them later on and pay them money so that further publications will not be made. This sort of blackmail should be put down with an iron hand. I am sure we will have the co-operation of the hon. Member also who pleaded for the ignorant people in the enforcement of the provisions of the Bill. In my view this is a salutary law which should be available for the protection of innocent citizens even though some ignorant persons might suffer on account of their ignorance. But I am sure that such innocent persons will get sufficient protection from the trying magistrate.

MR. CHAIRMAN: The question is—

'That the Indian Penal Code and the Code of Criminal Procedure (Madras Amendment) Bill, 1960 (L.A. Bill No. 7 of 1960), as passed by the Legislative Assembly, be taken into consideration.'

The motion was put and carried and the Bill was taken into consideration.

Clauses 2 to 5 were put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

THE INDIAN PENAL CODE AND THE CODE OF CRIMINAL PROCEDURE (MADRAS AMENDMENT) BILL, 1960 (L.A. BILL NO. 7 OF 1960)

[6th September 1960

THE HON. SRI C. SUBRAMANIAM: Mr. Chairman, Sir, I move—

'That the Indian Penal Code and the Code of Criminal Procedure (Madras Amendment) Bill, 1960 (L.A. Bill No. 7 of 1960), as passed by the Legislative Assembly, be passed.'

MR. CHAIRMAN: Motion moved—

'That the Indian Penal Code and the Code of Criminal Procedure (Madras Amendment) Bill, 1960 (L.A. Bill No. 7 of 1960), as passed by the Legislative Assembly, be passed.'

SRI MOHAMED RAZA KHAN: Sir, just one word to assure the Hon. the Finance Minister that I am in entire agreement with him in regard to the principles that he has enunciated. After all, there should be something like purity in all these matters and I am one with the Hon. Minister when he wants to prevent the blackmailing that is going on. On that there is no difference of opinion. But the Hon. the Finance Minister was a little metaphysical and philosophical when he said that it was a question of poison and that it should be prevented. I might tell him that it is a question of degree. Sometimes there are good poisons also. The only point which I wanted to bring to the notice of the Hon. Minister was this. If really the publications are outside the State and if they are brought here by an agent or somebody and distributed in this State, we cannot expect those persons to scrutinize them and see whether they offend the law here or not. Their motive might not at all be to circulate such offending publications. In their usual way, in their anxiety to sell and do some business, they might do it. I only wished to draw the attention of the Hon. Minister to the fact that such ignorant people should not be hauled up under this law. Possibly when they take action they may also know whether it was done with a motive or only in an innocent way. I leave the matter to Government at that, and I support the Bill now.

THE HON. SRI C. SUBRAMANIAM: They should plead so in the Court.

MR. CHAIRMAN: The question is—

'That the Indian Penal Code and the Code of Criminal Procedure (Madras Amendment) Bill, 1960 (L.A. Bill No. 7 of 1960), as passed by the Legislative Assembly, be passed.'

The motion was put and carried and the Bill was passed.

(3) THE MADRAS (TRANSFERRED TERRITORY) EXTENSION OF LAWS BILL, 1960 (L.A. BILL NO. 17 OF 1960).

THE HON. SRI C. SUBRAMANIAM: Sir, I move—

3-40 p.m. 'That the Madras (Transferred Territory) Extension of Laws Bill, [a] 1960 (L.A. Bill No. 17 of 1960), as passed by the Legislative Assembly, be taken into consideration.'

Sir, this is a routine Bill making the laws prevalent in our State applicable to the transferred territory. We examine each Act and find out whether any adaptation is necessary in making the laws

[a] Printed as Appendix IV on pages 69–79 infra.